

24. (Amended) The method of claim [20] 21, wherein said continuous ring implant is inserted into an arc-shaped tube prior to insertion into said open pocket.

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25. (Amended) An intracorneal insert for introduction into the cornea of a human eye, said insert having a first shape in the form of a continuous ring shape and a second shape deformed from said first shape for insertion of said insert into a small incision in the cornea.

REMARKS

No new matter is believed to be added by the amendments. Applicant asserts that the amendments to the claims are clearly supported by the application as filed.

Further, Applicant hereby elects Group I (claims 1-17 and 20-24) with traverse. Applicant traverses with respect to the treatment of the invention described in claim 25 and claims 1-17 and 20-24 as justifying restriction between Groups I and III. Especially in view of the amendment to claim 25 above, the insert of claim 25 cannot be used in such materially different processes from those described in claims 1-17 and 20-24 as proposed by the Examiner. The gel injection methodology suggested by the Examiner does not comport with the two states described for the implant; neither does the complete circumcorneal incision method of implantation that the Examiner has described. Therefore, Applicant requests that claims 1-17 and 20-25 be examined together at this time.

Please note that Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

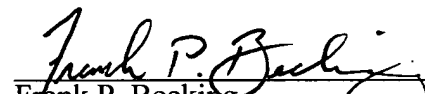
In the unlikely event that the transmittal letter is separated from this document or the Patent Office determines that an extension and/or other relief is required, Applicant petitions for

any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 251692003600. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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